

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
June 29, 2010

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Tuesday, June 29, 2010, was called to order at 7:02 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Hunt, Clark, McClevey and O'Hara

Members Absent: Adams

Staff Present: Baker, Smith and Hamock

1. Call to Order
2. Approval of Minutes – April 26, 2010 and May 24, 2010

Mr. Coen: We have a quorum so the first order of business is the approval of minutes. We have the April 26th minutes. Is there a motion to accept and then we can discuss.

Mr. McClevey: I move that we approve the minutes for April 26th.

Mr. Coen: Is there a second?

Mrs. Clark: Okay, I will second.

Mr. Coen: Alright, any discussion of the April 26th minutes?

Mr. O'Hara: I did not get a chance to read them, so I will abstain.

Mr. Coen: Okay, anybody else? Alright, all in favor of approving the April 26th meeting minutes say aye.

Mr. Hunt: Aye.

Mrs. Clark: Aye.

Mr. McClevey: Aye.

Mr. Coen: Aye. All opposed? Okay and one abstention.

Mr. O'Hara: Actually I was not here then.

Mr. Coen: Okay. May 24th, which I think Kathy, was just sent out...

Mrs. Baker: Just yesterday, sorry.

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Mr. Coen: If you like we can defer that. It is up to you.

Mr. O'Hara: Motion to table.

Mr. Coen: Okay, we have a motion to table the minutes from May, is there a second?

Mr. McClevey: I will second that.

Mr. Coen: Okay, all in favor of tabling the May 24th minutes say aye.

Mr. Hunt: Aye.

Mrs. Clark: Aye.

Mr. McClevey: Aye

Mr. O'Hara: Aye.

Mr. Coen: Aye. All opposed? Okay, so they are tabled then. Alright, so that moves us to staff update.

3. Staff Update

- PDR Celebration Event

Mrs. Baker: I will update on the PDR Celebration Event. We have set a date, I believe I sent everybody an email that we will have the event on September 9th, which is a Thursday. That will be in the evening, we have not set the actual time, but probably in the 5:30 to 6 timeframe. They wanted to allow the Board of Supervisors to come during the evening since they have so many daytime activities. There is a rain date of that following Monday, the 13th. Mike Lott and I did go out to the site last week to just take a look and we actually met with Jerry Silver out there. There will be an area right as you come into the entrance where he actually has a drainage easement that goes down, that is not going to be planted in anything at the time and that would be open for parking, right off the driveway. We think it will be sufficient for the number of cars we are anticipating having and actually it is still open field up the slope at the very top of the ridge which will have a nice view and we think that will work out nicely to have it all right there on site. It is still a little iffy as to where the sign is going, because the whole frontage along the road is just all overgrown brush because there is a ditch there that has never been cut. We will work something out, we can clear an area and have the sign put there. We thought it would be best down by the road because the driveway that goes in is actually a driveway that serves a home in the back, so they would be the only ones that would see it. We wanted to have it visible. So we will start making more definitive plans on that, so I will plan to coordinate with Marty, of course he may be out of commission for a couple...or out of the State for a few weeks, but we will coordinate with him where we can and otherwise we will try and keep you all posted through the summer and get your input on who we want to attend and that type of thing. So we now have a plan, so that is it.

Mr. McClevey: Did you receive any paperwork on the sign?

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Mrs. Baker: We did, we got everything squared away with the sign.

Mrs. Hamock: We paid it already with the credit card and we are just waiting to receive it, I am assuming.

Mrs. Baker: Yes, we are having it sent here, correct?

Mr. McClevey: Yes.

Mrs. Hamock: I believe so, I will have to double check with Denise, but I think so.

Mr. McClevey: I am pretty sure I told her to send it here.

Mrs. Baker: We will have a place to keep it and all that.

Mr. McClevey: I will probably take it and frame it. Let me know when it comes in.

Mrs. Hamock: Okay, very good.

Mr. Coen: My only suggestion about the invitees is definitely the people who were on the PDR Commission when we went through the whole process.

Mrs. Baker: You mean past members?

Mr. Coen: That would be nice. Okay, any other discussion on the celebration. Okay, thank you Marty. Thank you Kathy, thank you very much. Alright, so the next one is the update to the Board of Supervisors.

- Update to Board of Supervisors on July 6, 2010

Mrs. Baker: We just want to let everybody know that we have confirmed that Tom is going to make a presentation to the Board on July 6th. It will be in the afternoon session. Those are streamed on cable if...or on the County website, sorry, and are available after that. Audio is available as well on the website. So if anybody is not able to view that, there are opportunities where you can always get a CD from us after the fact. He is going to present just the basics of what we are doing right now, what we are going to be focusing on with the Ordinance update and then go into the piece about what your recommendation was for the bond referendum and then just kind of open that discussion for other options for funding.

Mrs. Clark: Is that likely to surprise them that we opted to not go forward with the bond referendum?

Mrs. Baker: I don't know. I guess that will depend on if any of y'all have had conversations with your Board member. I am not sure if any of them have really had it on their radar screen especially since there are a couple of new members. Whether or not they have been reading the minutes, I don't know. So that will be in the afternoon, you are welcome to look up what was proposed on the website, which will be available on Friday when the Board packages go online.

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Mr. Coen: You are welcome to be there?

Mrs. Baker: You are welcome to be there. Mike Neuhard and I will be there to answer any questions.

Mr. O'Hara: There is no action that we expect to come out of this unless they all come together, all of a sudden want to do something overnight.

Mrs. Baker: We have not put in there for any recommendations since the Committee did not really ask other than continual further funding. So I am not sure what kind of action they would take if they are going to support what you said or make their own recommendation.

Mr. Coen: In theory they could on their own say oh gee why don't we go forward with the bond anyway. But I don't know that there is a feel for that, but in theory that is possible but doubtful. With that done, we can move to item number 4, new business, PDR Revisions.

4. New Business

- PDR Ordinance Revisions

Mrs. Baker: What I sent out to you all earlier in the week was our first stab at making recommendations to the changes. The one that says O10 at the top is in the old ordinance format. That will change, we will get a new number and all that when it is ready to go. These are combination... Alan had made his recommendations from an attorney standpoint and Mike Neuhard and Mike Lott and I made recommendations from our standpoint and going through most of it you will see either on underline/overstrike. The one thing I want to talk about first, just to show you where we did a combination is back on page 13, the big block of yellow highlight. Down at the bottom of that page where it is crossed out, Section 22, A-9, Application and Evaluation Procedure. That was a section that just started out with what to do with the application. It said that we were going to present materials to the applicant and we were going to present it all back. Then we got into the next section, which was A-10 and it had some of that duplicate information. So, some of the strike outs that you see are going to be added in the underline section down under section 10. The page right after the table actually. So where you see a whole lot of underlining, that is not necessarily new information, that is just where we reorganized it from the other section and hopefully flows better where we have application submission. Then your review by the Administrator, then your review by the Committee and then review by the Board. There is some new information that we tried to put in, but for the most part it is just reworded. So having said that, I will ask how you would like to proceed. If we just want to start at the beginning and get through where we want to get to tonight. I did give you a copy... Marty sent in some suggestions and comments for the overall ordinance and we can discuss those as we go when we get to the pertinent sections, if you want to do it that way.

Mr. Coen: I am amenable to just going straight through.

Mrs. Baker: I recommend we hold off on the criteria table. We will be going back to that to add in some things after we go through the Ordinance. So we will focus strictly on the Ordinance and not the criteria for now. So if we want to go under Section 22A-1, Purpose, there are just a couple of suggestions that were made there. Natural Resources, adding that language at the bottom is just basically wording changes. So I guess the biggest piece there is looking through the goals and

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determining if there is anything you want to add in the purpose...if there is anything you want to add, change or delete in that section.

Mr. McClevey: I had the addition of just the one statement. I did not see anything that gave us leeway to the Navy. Again just throwing it out on the table, I just thought we could have a statement related to the partnerships of the Navy and my proposal is to create voluntary conservation and buffer easements with the Department of Defense on lands within the county contiguous to the Quantico Marine Base. We talked about protecting resources in farms as part of the program but I did not know if we wanted to add the suggestion that we could use PDR matching funds in case the Navy stepped up and said we have money and you guys have money, so let's use the money, just throwing it out.

Mrs. Clark: That is very particular to Stafford County. It is very unique, kind of saving that would not be applicable to a lot of counties. Right now Kathy, what does their program look like? I know sort of what it looks like, but is there a time that you could see that we could use PDR money to help with that? Do they require matching funds or anything?

Mrs. Baker: They do...matching funds or in kind. Their program is a little different and I think one of the biggest differences with their program is they actually identify a property first and then they go ask for funding.

Mrs. Clark: I have seen the map where they prioritize different pieces.

Mrs. Baker: They are prioritized and they are not solely accepting those properties, but they went through and looked up the ones that best suit their program based on size and location and such. But the biggest issue I think we have, when we have talked about it in the past, is a timing issue because the PDR program and our deadlines, and then being able to match up with theirs again because they choose the property first and then go for funding. So it would not really follow our guidelines for ranking, necessarily. It would not fit into the way we have established our program as far as the ranking criteria, because they choose a property first, not rank it and then...

Mrs. Clark: To get our money...to get PDR money they would have to do the ranking process.

Mrs. Baker: That does not mean that they can't identify a property and put it through our process. So that is my only hesitation on putting something that specifically...we may add some language in here that says we may, I don't know if we want to say partner, but...

Mr. Smith: We can seek out or work with other organizations or government entities to try to find funding.

Mr. O'Hara: Does the Board not have power to work outside of this Ordinance if the Marine Corp came up and said hey we have got this property, we like it and we think it works for you guys, let's get together...

Mrs. Baker: Yes, and that is kind of the understanding right now.

Mr. Smith: It does not have to be crammed into...

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Mr. McClevey: But if we raise...if the Board decides to do a half penny for the PDR Fund, could those funds then be redirected?

Mrs. Baker: I don't think so, the way that our program is structured.

Mr. Coen: No.

Mrs. Baker: Again, we are accepting applications and ranking property.

Mr. Coen: If you could do that wording that you were saying it would probably fit...if they pick the property and it went through our process, then we could use the funds, if there was a clause in there about other agencies.

Mr. Smith: It would depend on exactly what...

Mr. Coen: If memory serves me correctly, when Quantico was not just looking at lands contiguous, but also other land that is within flight paths or what not...

Mrs. Baker: That is not necessarily contiguous...

Mr. Coen: Some of those flight paths are rural land, if I remember from the meeting correctly. So I would be leery of just saying contiguous because there would be in theory, if they wanted to do something on a parcel of land, I think one of the parcels was...I think one of the parcels was farm land that never even qualified, but if you add the wording that you recommended...

Mrs. Clark: Identify by...

Mr. Coen: Like you were saying working through all agencies and governmental bodies or something.

Mrs. Baker: I don't know if we necessarily want to limit it to Quantico, there are other organizations that have their own programs as well.

Mr. Hunt: Can I have a brief off the record discussion?

Mrs. Baker: I don't think so.

Mr. Hunt: There is a thirty-two acre site in Aquia Harbour that was an old school site that the County gave back to the Harbour. There are a host of folks that would like to turn that into a retirement home...retirement community. That would be a perfect place for an organization like a homeowners association to offer some kind of purchase of rights activity. Would that cover that?

Mr. Coen: That is a good question.

Mr. Hunt: That is why it was off the record. Would that even figure into this?

Mr. Coen: I don't know. In my homeowners thing we have a chunk of land that technically the Army Corp of Engineers said we can't build on, but it is a good chunk of land that in theory...

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Mrs. Baker: But it is in Aquia Harbour which is in the Urban Services Area.

Mr. Hunt: Right, that is why I was going to try to have the subdivision put in their position if they would even want to do something like that.

Mrs. Clark: Well, there is no reason why they can't seek another kind of conservation easement, right?

Mrs. Baker: Right.

Mr. Coen: It would be too small to do anything like that.

Mr. Hunt: Politics is local and everything is politics and there are people that think there are millions of dollars to be made there. It seems like that is thirty-three acres that is green and I would certainly like to see the State... How does that, does this Ordinance allow...

Mr. Coen: No.

Mrs. Baker: Right now it focuses on area outside the Urban Services Area.

Mr. Hunt: I wasn't talking about that, allow organizations...I realize the Harbour is not the Marine Corp but it is not private land either - it is homeowner association land.

Mrs. Baker: I don't think our eligibility requirement talks about ownership.

Mr. Coen: Good question.

Mrs. Baker: This says "public body".

Mr. McClevey: Who owns the title to the property, the homeowners association?

Mrs. Baker: No, less than twenty acres located with an agricultural or rural residential zoning district, capable of being subdivided or developed.

Mr. Hunt: I don't want to go too far here off the record, since it is a nice plot of land.

Mrs. Baker: Did you say it is currently set aside for open space? What is it currently set for?

Mr. Hunt: Aquia Harbour gave the land to the county for a school site. After ten or so years, maybe even fifteen years the county gave the land back to the Harbour because it was determined that there would not be a school built there. So now you have got thirty-three acres, pretty much adjacent to your house that is sitting there and a number of people would like to see that developed. They have to change the zoning back to R-1.

Mrs. Baker: This says that if any portion of a property that is being considered contains any land that is currently reserved or set aside for open space, recreation or similar purposes than that should be excluded from the evaluation process. It would depend upon what the current designation of that land is if it's...

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Mr. Hunt: It is not R-1, it has a special designation.

Mrs. Baker: You would have to check on what that special designation is.

Mr. Hunt: It would be interesting to see if we could make the Ordinance broad enough to allow that as an option. That is what made me think about it was the Marine Corps.

Mr. Coen: Okay. So is it clear? Well Marty wanted to insert, I guess like a number 9 or something into the purpose about the Marine Corps. But we suggested phrasing it more...

Mrs. Baker: And I don't know if that is necessarily a purpose or if we would put it somewhere within the following paragraphs within...I mean we can talk about that.

Mr. Hunt: If you put something in that says DOD/Community Association resources that would certainly open that door. I don't know whether there is anybody interested other than me.

Mr. Coen: That would make sense, okay.

Mr. Hunt: I was trying to come from the perspective of could we partnership with the Federal Government. And I am asking could we expand that so the partnership would be the Federal Government...

Mr. Coen: Any governmental...any entity, community or...

Mr. Hunt: Any entity, I think that is a good idea.

Mrs. Baker: Well, we are going to have to talk about that further, because down here we do say except those areas under the ownership or control of the United States of America, the Commonwealth of Virginia or an agency or instrumentality there of.

Mr. O'Hara: It means we don't want to take our government money and hand it to other government.

Mrs. Baker: Exactly.

Mr. Hunt: But the whole point of the program would be to take parcels of land and move them out of development.

Mr. McClevey: The Marine Corps program is still voluntary and it is still for citizens and they don't take ownership.

Mrs. Baker: They might take ownership. They are not restricted from taking ownership.

Mr. McClevey: If that is the case it would not fit the program.

Mrs. Baker: They are not strictly conservation easements, they buy out fee simple.

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Mrs. Clark: And this does go back to a sort of philosophical question that we had, do you save parcels within the Urban Service Area to keep green spaces there or do you save parcels outside of the Urban Service Area to keep them from being developed and keeping the whole rural atmosphere outside thinking that development should be in the Urban Service Area and it should not take development opportunities out of that area. Because you have to leave some development areas in the County and they should be in the Urban Service Area and not in the rural areas. And I come down on the part where you go ahead and develop where you have got the services and leave the outside areas alone. Because you just can't take all development opportunities away from the county.

Mr. McClevey: But we have a paragraph that says how a property that is designated Urban Services Area needs to attend to the program, the landowner may apply to the program and the Board shall consider the merit of the application.

Mrs. Clark: We do, you are right.

Mr. Hunt: Maybe that is sufficient. Maybe that covers both of our issues.

Mrs. Baker: That is why we left that in there because there may be that we only get one application in a period and it might be that the property just so happens to be in the Urban Services Area and it might be desirable.

Mr. Coen: Would that cover the...if by some chance we could partner with the Marine Corps program, would that cover that part? You know, if we were saying in theory the Marine Corps could or the Federal Government could own land, is that traditionally allowed or do we need something else to make it obvious?

Mrs. Baker: I don't think we are going to allow purchase of property. Ours is a conservation easement program.

Mr. Coen: Right.

Mr. McClevey: If the Navy had a tract of land on Garrisonville Road and it was far enough out and they say we just want to remain green, you guys are interested and we are interested...

Mrs. Baker: As long as somebody makes that application.

Mr. Coen: Right, okay.

Mrs. Baker: Someone that fits our criteria.

Mr. McClevey: It would be interesting if the Marine Corps would go our way and fund our program...match our program in that regard.

Mr. Hunt: And that might happen, yes.

Mr. McClevey: That could happen where they may say lets throw it to the Stafford County PDR program as a perpetual easement.

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Mr. Coen: Okay.

Mr. McClevey: I just thought in the purpose it says open space, rural character, farms and forest. I just wanted to throw out that perhaps we could state as part of the purpose we look at the goals of the Marine Corps Base as perhaps a focus.

Mr. Coen: Okay. In other words when we did this the first time, we did a pretty good job. Alright, carry on.

Mrs. Baker: We had a discussion on that whole purpose section A-1.

Mr. Coen: Any other questions? Seeing none, moving on.

Mrs. Baker: The next page, we did not change anything under applicability which is standard language. Does anybody have any issues there?

Mr. O'Hara: On the A-1, there is nothing in there that is in conflict with what they are trying to do with the Comprehensive Plan.

Mrs. Baker: No, that is a big point. The Comprehensive Plan is focusing on development within the Urban Services Area. We have got these new Urban Development Areas that are going to be located within the Urban Services Area. Again they are goals within the Comprehensive Plan, the draft that talk about the preservation of the rural areas and focusing development close to the services.

Mr. O'Hara: Are they linked and would this require revisions based on what they finalize as the plan or pretty much free.

Mrs. Baker: I think we should do fairly well in compliance with it. The Comprehensive Plan is going to be broad. It is just going to recommend that we continue the purchase of development rights program. I will be happy to forward you all of that information or it is on...the Draft Comprehensive Plan is now on the county website.

Mr. O'Hara: For the most part you are good to go, unless something...a curve ball comes out of this.

Mrs. Baker: We should be. In the definition section just some wordsmithing basically from County Attorney. There were no issues on page 3 and on page 4 we did recommend just removing animal unit, because that is not mentioned anywhere in the Ordinance. That was originally in there when animal unit was a consideration, unless you all want a consideration and want to use any criteria which includes animal unit.

Mrs. Clark: And then there was a question about the term animal unit too, and that there are some other kinds of definitions we can use.

Mrs. Baker: Yes, there is no one definition of what an animal unit is. There are deferent definitions based on the organization that uses it.

Mrs. Clark: We don't have it right now...I don't think anywhere in the matrix.

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Mr. Coen: No.

Mrs. Baker: No, that is why I was saying unless you want to add anything back in within the criteria, and we will just recommend removing that. Because if it ever does get added in, it might be that we will have to change the definition anyway. Appraisal, we are just taking that out because of no reference to that right now. That is something we can always add that back in if we readopt that methodology. Conservation Easement, just again some minor changes to that. And the rest of it is all just technical or administrative. The next page we added a definition for public body and also for wetlands.

Mrs. Clark: Marty had the possibility of adding a definition and that is probably a good idea. Whether it is that definition or not...I mean...I think...do you refer to that...isn't that how we refer to it during the course of everything?

Mrs. Baker: We can take a look at that.

Mr. Coen: Okay.

Mrs. Baker: Maybe we will look at the other localities Ordinances and see how this fits it. Let's hope it has already been tried.

Mr. McClevey: I had a rewrite on the property rankings, just one within E on that page. On the part about the grant rather than attempt a formula just to substitute matrix. Just rewriting it to say property ranking system means the matrix by this application for the sale of development rights are ranked and prioritized for acquisition.

Mrs. Clark: I understand what you are saying there and I think I would like that to be rewritten with something besides the word formula. I must admit in my mind formula sounds more mathematical.

Mrs. Baker: Okay, anything else in definitions? Section A-4, just striking PDR since we define what that is. On the next page, under 22A-5 that is all...

Mr. Smith: Just strike one from each election district. I think that is no longer consistent with the make up of the Board, I am sorry, the Committee.

Mrs. Baker: It should be.

Mr. Coen: Oh no, there are seven of us.

Mr. Smith: Is everybody from...is each...

Mr. Coen: We are appointed from.

Mr. Hunt: I think your strike out is good.

Mrs. Baker: They may change their mind down the road.

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Mr. O'Hara: Is there a reason why we strike property owner?

Mr. Hunt: A guy could come in and be a renter and be a long term renter in Stafford. That is not a bad thing.

Mr. Coen: Particularly with a retirement home. They could live in a retirement home.

Mrs. Baker: Number 5, we did strike out because that was already a recommendation from the Board that Mike Neuhard be an ex officio member. On the next page, I guess this is where we wanted to get into a little bit more discussion under A6 the eligibility criteria. Where we highlighted, I again wanted to go back to see if we had a definitive answer on A-1 and A-2. In D there, it is talking about...well why did you highlight that?

Mr. Smith: Which one?

Mrs. Baker: D, the property must be capable of being subdivided or developed for non-agricultural uses.

Mr. Smith: I knew that was something that came up during the last round and I did not know if the Board...I am sorry, the Committee wanted to discuss that more about exactly what capable of development meant.

Mrs. Clark: Because we had the issue of the one on the private road and the only way that could have been developed was if that had been rezoned or something. Was that the piece...

Mrs. Baker: Not necessarily rezoned, but they would have had to have some means of access to the property. But they could have gotten that if they chose to do that. They just...

Mrs. Clark: But as it stood right then, it was not eligible for subdividing.

Mrs. Baker: It was eligible to be subdivided if they met the criteria. The only criteria they did not meet was having the road frontage, but they could still do something like a family subdivision or something like that. So it really is capable of being subdivided to some degree.

Mr. Smith: Then there was some discussion about whether a family subdivision was the type of development that the Committee would want to consider to be capable of development.

Mrs. Baker: Right, but that was a small property. There could be a hundred acre parcel out there that is land locked, that its only means of access is through an easement to get to it. Technically as it stands they could only divide that into a couple of lots right now. But if they had a property here that they might be able to acquire, that would open up that whole property to development. So, you just kind of have to decide if you want to make that on a case by case basis if we were to leave that in like that. We would just have to make a call when it came through as to whether it was capable of being subdivided. Capable of being subdivided and coming right in today and being able to subdivide it and meet all those requirements, there is a little grey area.

Mrs. Clark: But it was a discussion point.

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Mr. Coen: Yes, I guess to me what would be helpful is either in the definition section or somewhere making it clear so there would not be a distance requirement. Either to say capable of being subdivided or developed is defined as or something so that in the future entities could not cause a big discussion over that.

Mrs. Clark: But isn't that the point of rewriting this so that we won't have as many ambiguities as we did.

Mr. Coen: Right. And to me that was...I mean the intent or it is our purpose...the property in question fits the purpose of the program, but the question then became do we kick it out because of a narrow definition of what somebody was saying about capable of being developed was. To me that just wasted an awful lot of time, when it was not even an option. When the whole ranking was said and done, that really was not even the point, and it just seems to me it would make it easier for staff and easier for everybody if you know what the definition is before you get into it.

Mrs. Clark: So that means that we have got to make a decision, right? About whether we are talking about today it could be subdivided or if after some more legal finagling it could be.

Mr. Coen: Yes.

Mr. Hunt: But I think if you roll back to paragraph C above that. If I limit it to the A-1 and A-2, does that stop the potential partnership between the Marine Corps or Homeowners Associations or anything else? Everything the Marine Corp would consider, is that in the A-1 and A-2 zoning?

Mrs. Baker: Not necessarily. They are looking at a couple of R-1 properties.

Mr. Hunt: That is kind of what I was saying. C and D may be appropriate, but they really narrow the criteria.

Mrs. Baker: It kind of goes back to your goals. What are you looking for? Or what do you want?

Mr. Hunt: I agree completely.

Mr. Coen: When we first did this, with my viewpoint and I have not really shifted in five years, I like as much flexibility as possible. To me I did not...we even had sort of a fight already over A-1 versus A-2. To me whether it is R-1 or A-1 or A-2, if there is property that could be saved and there is an opportunity to save it and there are funds available and it fits whatever criteria, then I don't have a problem with doing it. So that is where I come down...so I don't really care if it is in the Urban Service and it is a parcel of land and it is going to make that area better or if it is outside and we can do it, I would save everything.

Mr. Hunt: I would certainly agree with Commissioner Clark's point of view that I would like to do agricultural first. Saving land in the A-1 and A-2 would be my first priority, but if there were other plots of land that could be saved - saved is too bad a word - could be set aside, they should not be excluded.

Mrs. Clark: What is an R-1 designation? Describe those kinds of parcels.

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Mrs. Baker: Right now basically three homes per acre so a third of an acre lot.

Mr. Hunt: That is pretty dense.

Mrs. Baker: One comment that I was going to make, that is really going to throw off your payment for development right because...

Mrs. Clark: Yes, in an R-1.

Mrs. Baker: In R-1 with one hundred acres, you might get three hundred development units.

Mr. Coen: But there are really not that many...in our R-1's there are not that many hundred acre parcels.

Mrs. Baker: Probably not, but...

Mr. Coen: Could we say property that primarily is located with agricultural or...and then other parcels that...

Mr. Hunt: Could be considered, I would agree with you.

Mr. Coen: Yes.

Mr. Hunt: I don't know exactly how to word that, but I would agree.

Mrs. Clark: Okay, now this says must be wholly located within an agricultural or rural residential zoning district. Rural residential is R-1 right?

Mr. Coen: No.

Mrs. Clark: Oh.

Mrs. Baker: Suburban residential.

Mrs. Clark: Alright, sorry.

Mr. Hunt: It gets a little confusing.

Mr. Coen: Isn't it sort of in our...already in this but covered in the weeds, but isn't it sort of in there that if I came in with a parcel in A-1, I would get more points than Rufus who came in with twenty-five lots in and R-1. Wouldn't I automatically get more points?

Mrs. Baker: We are not allowing R-1 right now.

Mr. Coen: So we would have to put it in there.

Mr. Hunt: Would a special use...

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Mrs. Baker: The only thing I am going to point out about R-1 is going back to some of our matching fund opportunities where they have to meet agricultural criteria. If it was something that was zoned residential, I am not sure we would meet the eligibility criteria to receive matching funds, at least from the two main programs right now, the State and the Federal Ranch Land/Farm Land.

Mrs. Clark: Didn't we have one A-2 property?

Mrs. Baker: Yes.

Mrs. Clark: We almost threw a monkey wrench in also right? We had to decide whether the formula was still going to be the four acres divided by whatever and take out the hydric soils. And we did not know if that really fit the A-2 even that well. Am I remembering correctly?

Mr. Coen: You are remembering that correctly.

Mrs. Clark: So I think to muddy the waters even more with R-1, I agree that paying for development rights then...we went to simplify the system when we went to just paying for development rights. I think that if you have got R-1 land and you have got so many development rights, I just don't see that that makes it feasible.

Mr. Hunt: What about land that is not R-1? It is in the Urban Service Area but it is not R-1.

Mrs. Clark: But it is also not A-1 or A-2, is that right?

Mr. Hunt: That is right.

Mrs. Clark: Maybe the change is not an R-1 designation but maybe kind of a special use...

Mr. Hunt: That is what I am thinking, yes.

Mrs. Clark: Greenspace.

Mr. Coen: It is a broad topic and the way it is written now it has to be wholly located within a district. It does not have to say it is zoned that. Would it be better or would it make sense for y'all to look at that and see if we could reword C to be more flexible.

Mr. Hunt: I would be very happy if you just looked at special use...if you added in priority A-1, A-2, special use, what ever it is. I don't want to add R-1 in, I agree with Gail. That is not what I was looking for at all.

Mr. Coen: Does that make sense?

Mrs. Baker: I not sure, I am hearing two different things now, I think.

Mr. Coen: I guess this is one of those legal things. I look at C and it says whatever property has to wholly be in this zoned area, okay. Which is...to me I want flexibility. I have a problem saying wholly

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located in any specific district because if I am reading this right it does not say it is necessarily zoned that particular way, just located in that. For some reason if I have a different zoning in that area...

Mrs. Baker: It is specific to wholly located within your A-1 or A-2 district.

Mr. Coen: Right, but is there a way to do this with a little bit more flexibility?

Mrs. Baker: What flexibility do you want?

Mr. Hunt: Can we...can you explain the zoning to me.

Mrs. Clark: What kind of designation might this thirty-three acres in the middle of Aquia Harbour have?

Mr. Hunt: It is not in the middle.

Mrs. Clark: Well on the side. Any ideas what kind of zoning it might have?

Mrs. Baker: Other than R-1...

Mr. Hunt: It is not R-1, because if it was R-1 they would...

Mrs. Baker: Then it is A-1 or A-2.

Mr. Hunt: It is a special use. Can you give me a quick...

Mrs. Baker: A-1 is basically a minimum three acre lot size.

Mr. Hunt: All right.

Mrs. Baker: A-2 is one acre lot size.

Mr. Hunt: Okay.

Mrs. Baker: In the A-1 district they...

Mr. Hunt: I got A-1 and A-2.

Mrs. Baker: Okay.

Mr. Coen: What I am sort of leaning as, rather than one specific case, to make it flexible that...and I am not even sure where we draw the line on the new comp plan. But just looking down at my end of the world at one point Blysdale Dairy Farm was in the growth area. I am not sure if it is going to be out or in. It may be zoned A-1, but technically it was in where the line was or on Sherwood Forest.

Mrs. Baker: Which is part of the reason we left that wiggle room.

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Mr. Hunt: In the Falmouth District and George Washington District it would probably be more issues than in my area.

Mr. Coen: That is why I am sort of curious...if you are saying...I am just curious if y'all could look at how the words seem and give it a little bit more flexibility for different situations. If the dairy farm did not move with the comp plan, but the last time I looked it was, but if it is in what is now considered R-1 territory but is zoned A-1. Just because the Urban Service Area is in that area, then it would not qualify for this.

Mrs. Baker: It would qualify. It is A-1 and we give wiggle room up here where it says although we focus on properties outside the Urban Services Area, we will consider a property within the Urban Services Area.

Mr. Coen: Okay.

Mrs. Baker: If you are starting to include R-1 Zoning Districts, one thing to think about...

Mr. Hunt: That gets too complicated.

Mr. Coen: Yes, we are okay with that. We are just looking for ways to make it clearer so that when we get into the discussions, into the ranking and all of that, we don't have as many discussions and controversies over what definitions are. What would make that easier?

Mrs. Baker: I think we have structured the criteria so there is no longer an issue between the A-1 and the A-2.

Mr. Coen: Okay.

Mrs. Baker: I think we pretty much settled that unless I am missing part of the discussion.

Mr. Hunt: The only question I am asking is there anything besides A-1 and A-2 that we would want to consider. Is there any other zoning criteria we should consider?

Mrs. Baker: They are all more dense or they are getting into planned development or traditional neighborhood development. It is all higher intensity or commercial or industrial. I will be happy to send you all what our current zoning categories are.

Mr. Hunt: That would be interesting, I would be happy to get that.

Mr. McClevey: One thing that we might...since we don't want a bunch of batch applications, you might just say property or properties must be wholly located within the agricultural. It could be one tract might not be twenty acres, but it could be several properties.

Mr. Coen: That is a good point. Then just figure out whatever you need too. I guess for D...

Mrs. Baker: Let's finish C first.

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Mr. Coen: Okay.

Mrs. Baker: Are we recommending any changes besides what Marty just said for the zoning, A-1 and A-2?

Mr. Hunt: Is that C and D?

Mrs. Baker: Let's talk about C first, because they are two different issues.

Mrs. Clark: I am fine with it the way it is unless we can think of several different...

Mr. Hunt: Uniqueness.

Mrs. Clark: Uniqueness. My gut feeling is maybe this piece, since it has been bounced back and forth between public and private, it might be in sort of a no mans land.

Mrs. Baker: That is what I am saying. We would have to check the status. It could be something on a plat that says it has to be use for a certain purpose, which maybe a school or recreation or open space.

Mr. Hunt: Which is what it says now.

Mrs. Clark: It does not mean it could not be subdivided, so it would not meet criteria B.

Mrs. Baker: Correct, if there are current restrictions on it.

Mr. Coen: Okay.

Mr. Hunt: But you are going to substitute property or properties under C and D?

Mrs. Baker: Well, was that Marty's recommendation? Yes, I am sorry, just for saying the definition there, property or properties, yes. So maybe we look at D and come back with some more recommendation on further clarifying that.

Mr. Coen: My definition earlier on in the definitions, I did not...it just seems as though we were having a lot of discussion when we did not need to, if we had a more...and it would make it more concise for staff upon having that type of discussion if it was already written in the...

Mrs. Baker: And it might be that we actually put in the specific minimum road frontage on the state road, because that was a big discussion issue on that one particular property.

Mrs. Clark: Did we include road frontage on the matrix?

Mr. Coen: No.

Mrs. Baker: You get points for the more road frontage you have. I guess we could think about starting the minimum...

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Mrs. Clark: But having zero does not disqualify it at the moment.

Mrs. Baker: Correct. You just would not get any points.

Mr. Hunt: You just would not get points.

Mr. Coen: Yes, you just would not get points.

Mrs. Baker: Right now in the A-1 zone you have to have a two hundred foot frontage on a road to be subdivided.

Mrs. Clark: Which would be D.

Mrs. Baker: Yes, if you are going to create ten lots in a new subdivision, each of those new lots you are creating has to have two hundred feet of road frontage, unless you are on a cul-de-sac and then you only have to have fifty.

Mrs. Clark: And the reality is that there could be some parcels that are relatively land locked...

Mrs. Baker: That may not have any road frontage.

Mrs. Clark: That may not have any road frontage, but they might not be bad places to save.

Mr. Coen: Yes.

Mrs. Baker: Why don't y'all give that one a little more thought. We will play with it a little bit and come back to that one.

Mr. Coen: Cool. And Marty did you have something?

Mr. McClevey: Well unless Kathy wants to scoot through E

Mrs. Baker: That is just wording.

Mr. McClevey: On F, I just had a thought that...I don't know if we wanted to say no new uses or structures other than those permitted by the Deed of Easement shall be located upon the parcel rather than saying Conservation Easement. Put new and Deed of Easement, but new might not be necessary because that might go right toward the Deed of Easement. The Deed of Easement tells you what is currently there will be permitted.

Mrs. Clark: In the Deed of Easement or the Conservation Easement, does it allow additional...if it is a working farm we have always told people that they can still farm or do additional agricultural enterprises, change from soy beans to a riding center. So that is automatically in the Conservation Easement?

Mr. McClevey: I think that would be written into the Deed of Easement...the Conservation Easement, it would stipulate.

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Mrs. Clark: That was always my understanding.

Mrs. Baker: Well, our template goes into...I mean it certainly could be modified but anything that falls under an agricultural use, which a riding arena would... It has to be within our Zoning Ordinance as what is an allowed agricultural use.

Mrs. Clark: If you can figure that out.

Mr. Coen: I guess what she is looking at is, thinking back to the discussion before of what you need to make it clearer so that future bodies don't deliberate to such an extent about that. If you remember the whole fight over what is one more house, what is one more building, what is one more...

Mrs. Baker: And that gets into a different section. I don't think we had an issue with it.

Mr. Coen: Oh no.

Mrs. Baker: The only concern I have with saying no new uses...

Mr. McClevey: It may not be necessary.

Mr. Smith: I don't know that it is necessary. I think it is a good idea to clarify what is negotiated as part of the deed of easement.

Mrs. Baker: I just don't want it to get too restrictive...

Mrs. Clark: I don't know what you need to clarify it anymore. If you change it to deed of easement instead of conservation easement, isn't that just...

Mr. McClevey: Conservation easement is what it is the deed of easement has the restrictions. So I guess either way is fine. But deed of easement is where the particulars come from.

Mr. Smith: The deed of easement clarifies what is going to be the final...the deed of easement dictates what you can do and what you can build. So it could change depending on the specifics of what ever is negotiated with the property owner.

Mr. Coen: Okay. Are you okay with changing the deed?

Mr. Smith: Yes.

Mr. Coen: Okay.

Mr. McClevey: In G, I just had a thought about if we had to make a statement on hydric soils or something where...I am not sure if you are permitted to build on hydric soils or not. But I guess you could drain or something. If a person has hydric soils and went for consideration, we use that as our formula, Mike's formula for extreme land that was not permitted.

Mrs. Baker: We have based it in a formula but Jerry Silver's property had hydric soils on it.

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Mr. McClevey: It did but we did not pay him for those.

Mrs. Baker: Correct.

Mrs. Clark: Because those were already excluded in the formula.

Mrs. Baker: But we don't want to say that a property with hydric soils can not be eligible. This is under eligibility.

Mr. McClevey: Okay.

Mrs. Baker: That would exclude a lot of properties in the county. Basically any property with a stream on it is going to have hydric soils.

Mr. McClevey: You are right, obviously if you had a parcel and it had hydric soils and we were not going to pay for hydric soils, but I see what you are saying. That is not an exclusion factor for the application. I would like to withdraw that.

Mrs. Baker: Okay. Let's skip over 7 in the criteria, other than we will change the points when we get that final matrix completed. So now we get into another hot topic. The restrictions on new dwellings under 22A-8, purchase of development terms and conditions.

Mr. Coen: For the new people, why don't we give a little synopsis of what the controversy was, I sort of feel bad that we are having this discussion and you all were not...

Mrs. Baker: I think the biggest issue...the first question was, do you all allow a dwelling on a property no matter what size you are going to have? I think the general consensus, not only here but with all of the other localities that have programs, was that you really need to allow a dwelling so that you have a caretaker of the property, or you have that capability of having a caretaker for the property.

Mrs. Clark: You mean if it does not have a dwelling at this point.

Mrs. Baker: Right.

Mr. Coen: Right.

Mrs. Baker: You could allow one residential structure to be constructed. The Commissioner of the Revenue also feels that it is important to allow a dwelling for their purposes. The discussion was, we had originally had in there one new dwelling per one hundred acres. We had this property that came in that was only ninety-seven acres, were we going to allow one dwelling on it?

Mrs. Clark: It didn't already have a dwelling on it?

Mrs. Baker: Right. But if you, under the way we were looking at it if someone had come in with that same ninety-seven acres that already had a dwelling, that was not going to count against them. So part two of that issue is if you are going to allow one dwelling no matter what size the property, if it is twenty acres, if it is thirty, if it is a hundred, if you are going to allow one and then restrict it up to one

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hundred acres you get one dwelling. Anything over that it is one dwelling per one hundred acres. So I am not sure the way we wrote it is really going to clarify that. That was just the first stab at trying to make that point. I think y'all need to have that discussion. First of all do you want a dwelling allowed and if you do, what is the minimum size or do you not want to restrict a size. If you want to have one per easement, no matter what the size is. I don't know, I am just throwing that out for discussion.

Mrs. Clark: I would like to allow one dwelling per property no matter what the size is. If the property is less than one hundred acres, that would be okay in my estimation.

Mr. Coen: The part of the controversy that went on over several meetings was with the ninety-seven acres. The person wanted to put one structure on there and there was a feeling by someone that no, it is not a hundred acres you can not put any structure on there. And the tax people were, like, but these are the reasons why this makes sense, mostly for caretaking reasons and this, that, and the other. The idea of the process would be that they had to have it platted with the structure at the very start of this whole process. It has to be in the works, you can't just turn around fifteen years from now and say oh yeah, by the way, now I am going to throw a house up. It all has to be up front. I think during the process they have to be aware where they were going to put the house at had already been in affect to a certain degree. It can't just come out of nowhere. So there was a rather strong disagreement about...they were reading the state statute that one house per hundred, meaning that if it is a hundred, hundred and one, hundred and two, it would get one. The other attitude was no it is one house per hundred meaning up to a hundred you get one structure. So, that is where this...that is what they were claiming as their reading of it.

Mr. Hunt: As I read this and you have rewritten it, that ninety-seven acres would qualify for one house and that if I, God bless us, gave you five thousand acres I could put five hundred houses on that.

Mrs. Baker: I think we need to put further restrictions on that and say up to one hundred acres or something like that.

Mr. Hunt: As I read it now, if I had five hundred acres I could put five houses on it. It does not bother me.

Mrs. Baker: Yes.

Mr. O'Hara: We are not buying the property we are just buying the easement. We should not feel that we have the right to restrict...

Mr. Hunt: I don't have any problem the way it is rewritten.

Mr. Coen: I don't either.

Mrs. Baker: I need to further clarify because if this say one new dwelling per one hundred acres or fraction there of, that could mean anything over a hundred acres you could break down. So we will tweak that a little.

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Mr. Coen: Is everybody in agreement on the idea that...as I said that was the big controversy that we sort of ran into was that whether it was under a hundred they could put a structure. Is everybody okay with that?

Mr. O'Hara: We are not going to buy an easement on a five acre lot... my guess is, we are talking about a large lot.

Mr. Coen: Okay.

Mrs. Baker: We are in agreement there.

Mr. Coen: Unanimous, yeah.

Mrs. Baker: Okay, I think everything else...

Mrs. Clark: Well, on other restrictions, C.

Mr. Coen: Thank you.

Mrs. Clark: I was just sitting here thinking about item two, billboards and signs as advertisements. If your agricultural enterprise is located on your property I think you ought to be able to have a sign that advertise that. Now I think the spirit of this was...

Mr. Hunt: No Eat at Joe's.

Mrs. Clark: Yeah, right, other kinds of...like if Jerry wanted to put a sign up the road that said...

Mr. Hunt: Farmer's Market.

Mrs. Clark: Well, slaughter house or whatever you know I think that...

Mrs. Baker: Actually I am thinking the PDR sign that we are going to put up...

Mr. Coen: Thank you, I was thinking the same thing. Technically the PDR sign would be a mode of advertisement.

Mr. Smith: I think at Jerry's the deed of easement actually said at least something like the Silver Farm.

Mrs. Baker: I think they did have a basic request to change that.

Mrs. Clark: A sign to say, four months a year, but it does say vegetables here. I think that should be allowed.

Mr. Coen: Yes, so you want us to take out number two?

Mrs. Clark: I know what you are trying to get at, but like in a five down there or maybe did they strike one out. The one that says conducting a commercial or industrial activity on the parcel other than

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specified limited commercial activities associated with a bona fide agricultural use of the property. I think if you were to have some kind of wording like up in two that says display word signs as modes of advertisement other than those specific...

Mr. Coen: Associated with...

Mrs. Clark: Signs associated with the bona fide agricultural use of the property or something like that.

Mr. Smith: Unrelated to the actual use.

Mr. Coen: Right or county designated.

Mrs. Baker: Let me ask you this, if there is a property out there that currently has a billboard on it...

Mrs. Clark: They would have to take it down.

Mrs. Baker: That applies to the program would...

Mr. McClevey: The billboard is probably renting space.

Mrs. Baker: Exactly. But it is still located on the property and that would disqualify them from...

Mr. McClevey: Yes, he would have to take it down.

Mrs. Clark: I was thinking about all the old vehicles that are stored on most farms.

Mr. McClevey: Tractors.

Mrs. Clark: No, but it is an inoperable motor vehicle and everybody would have to clear off...

Mr. McClevey: It is scrap metal.

Mr. O'Hara: That number one, I think is really restrictive and number four or I guess the new number five...what if you are running a home bookkeeping business or something that is not necessarily going to affect the property. I think we need to be very careful about restricting people's livelihoods. They may have to do something else to make ends meet.

Mr. McClevey: Keep in mind that we are giving them property to maintain it in a certain standard.

Mr. O'Hara: We are giving them a fixed amount of money that over a period of time ends up being less and less. So we don't want to take away their continuous cash stream.

Mr. McClevey: All that is worked out in the deed of easement. When they negotiate on it I think that is all haggled out.

Mrs. Baker: I don't have a problem with removing them all from the Ordinance unless there is something that you all feel strongly that should not be.

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Mr. O'Hara: Blasting and earth removal, I feel pretty strongly that probably ought to stay.

Mr. Smith: That would be in the deed of easement, unrelated to farming.

Mrs. Clark: I have had people point out if you are clearing a fence line to run a new fence or whatever, you sometimes remove earth. There are...

Mr. O'Hara: Well, I probably would make it mining activities.

Mr. McClevey: I think all of these need to be retained and clarified. And they are also part of the inspection process that we go through for checking the land over time.

Mrs. Baker: Do you want to exclude a property or make someone have to take down a billboard that is existing, that has been there for twenty years?

Mrs. Clark: You might.

Mrs. Baker: You might or...I am just saying do you want to leave that open or do you want to...that is some...

Mr. O'Hara: Right now you say that these will be included, we might want to say that these are things that we want to consider in the negotiation and leave it open.

Mrs. Baker: I am not sure that in an Ordinance we can be wishy washy.

Mr. Coen: Yes.

Mr. Hunt: Then I would take it out.

Mr. Smith: Then I would suggest taking it out rather than word it that way.

Mrs. Baker: If that is an inoperable motor vehicles that people do have out there that have been there for twenty years...

Mrs. Clark: And you might want to ask them to remove them before you...I mean if it is going to be on the list of expectations it does not mean that it would exclude them from applying, it just means that before you wrote it you would have to remove them.

Mr. Coen: Yes.

Mrs. Baker: It does not restrict them from complying, but in order for us to purchase the property they wouldn't be able to be in conflict with anything that is spelled out right here.

Mr. O'Hara: When you market or are buying development rights by putting some of these really hard and fast exclusions...I don't know if I would market my property for the program with all these things here.

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Mrs. Baker: This is the standard language that comes out of the Virginia Outdoors Foundation, that is where that language came from. And that, again, more for the monitoring and follow up down the road.

Mr. Coen: Well, do you want to look at that again and see if there is a different way to word it? You are okay with taking it out completely, everything but...

Mr. O'Hara: Everything but blasting and mining.

Mr. Coen: Blasting and mining. Okay. And Marty wants to keep it in, right?

Mr. McClevey: I am open minded about it. I can see now where grading or clearing for purposes unrelated could be...currently there is a large power line right-of way through and Virginia Dominion goes through and bushhogs it every year. It is not for agricultural purposes but for clearing the right-of-way. Did we have some power lines on some properties?

Mrs. Baker: There were some on the Silver property.

Mr. McClevey: The Silver property?

Mr. Coen: Yes.

Mr. McClevey: So that could be restrictive, but the land can't be used for anything else I guess.

Mrs. Clark: I can understand why each one of these has merit, but my problem is I can think of exceptions that have merit as well.

Mr. McClevey: And I think exceptions can be dealt with through the process.

Mr. Coen: Can it?

Mrs. Clark: Well, if it is an Ordinance...

Mrs. Baker: Unless you specifically allow for the exemptions...

Mr. Coen: Do you want to have the County Attorney look at it then?

Mr. Smith: Alright, we are going to have to look at it.

Mr. Coen: Do you want to see if we can have more flexibility? Thank you.

Mr. McClevey: We would certainly like to see...these are issues that are taken up in the inspection...in the next section that we do, as far as if the person has changed uses and now accumulating tires, now accumulating vehicles, now accumulating...

Mrs. Baker: So we will come back to that one.

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Mr. Coen: Move on to the application submission.

Mrs. Baker: Yes, again the strike out areas are what we have added now down in the next section.

Mr. Coen: I am not sure where it would fit, but I would like to suggest a step in the process. After the staff or the Administrator has ranked the parcel that the applicant receives that information and have either one calendar week or two calendar weeks to come back with any discussions, clarifications, points of controversy...

Mr. Hunt: Negotiations.

Mr. Coen: That they can go back to staff and after that has been discussed then it would come to the Committee. That would sort of address the issue with the one person that there were some questions and they claimed X and this would...I know you all know the process, but if Horatio submitted it and turns around and does not get as many points as he wants then he could say I contest this point or I contest this. Then they could set down and the Administrator and staff could come to some conclusion before it comes to the Committee and that way if the person says well look I really don't think you are treating me fair, I want out of it or whatever. I would just like to have that piece put in the process, if that makes sense.

Mrs. Clark: I think that puts a lot on staff but I understand your rational.

Mrs. Baker: We had that discussion before and I think it does give a way for someone to come back in and tell us or explain something if we did not give them points. We could have missed something, they could have had something on there that they did not realize like historic resource and by coming back and pointing it out and us confirming it.

Mrs. Clark: Is staff okay with that?

Mrs. Baker: Yes, I think...

Mr. Coen: Because we had talked about that many moons ago.

Mrs. Baker: Particularly based on the process, how it went before and the folks coming back after it already went back to the Board with issues. The Board still could have said yes, let's consider that now and add those points to it. But I think it is a good idea to look at it earlier in the process.

Mrs. Clark: And you want the citizens to feel like it is a fair process.

Mr. Coen: Right, and I think it was fair, I am not saying that. I just think that it would make it more...cleaner for them and they would feel that they had their say earlier on and it takes a lot of the pressure off.

Mrs. Baker: And I am not sure we would do it after we show the ranking order. I think what we might do is...we are going to rank their property or we are going to go through the matrix and we are going to show them all their points and we would send them the actual table filled out and show them how we got their points, not necessarily going to say here is how we ranked you.

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Mr. Coen: No, no, I agree.

Mrs. Baker: We would say these are the points we have assigned and please go through this and give them the option to come back.

Mr. Coen: Right, and I almost think that it does not need to be...you know you do all the applicants at once and mail them all out at the same time. I would do it in real time. Because it should not be, oh, I talked to him and I know what he got more points than me so let me go and try to whatever. It should be real time. If you do mine first then mine gets sent out to me and while you were processing him then I come back. I don't think you need to do it all at once.

Mrs. Baker: I...

Mr. Coen: I am not sure how the timeframe...

Mrs. Baker: We would probably wait and do them all at one time just because we might go through one application and get to the next one and then get to the next one and say we did miss that in this one. I don't know. We will work that out. But yes, I think we are going to have some language in here.

Mr. Coen: Excellent. Thank you.

Mr. O'Hara: Is there a provision in here that the county can reject all applications after they look and them and realize we are not getting the sort of properties we would want for the money and maybe go back and adjust and open it back up just like you would do any other public procurement?

Mr. Smith: I don't know if it does that at that stage. But the Board is not obligated to purchase any.

Mr. Coen: They can reject...

Mr. O'Hara: So there is no necessity to enter it into the Ordinance then. They have the power.

Mrs. Baker: By the time we get to that process and we talk money, they may decide that we don't have the money or the property is not worthy of purchase.

Mr. McClevey: We as a Committee can do that right. We can say we don't feel there are any worthy properties here and send that to the Board.

Mr. O'Hara: That is my concern with the ranking system. We did a lot but this really has not been tested out and there seems to be a requirement to actually build the model and run the model. So I wanted to make sure that we had the out if we build up twenty million dollars and we start spending money. I just want to make sure if we just get a bunch of dogs come in that first round that we can say, this doesn't work let's go back and change the ranking system and start over. Let's mark it, let's change some of these and come up with a better marketing plan for this.

Mrs. Baker: Our ranking and going through the matrix has to all be based solely on the property and the merits and how they meet. When the administrator and staff are evaluating it, we can't make any

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of those exclusions. There may be an issue with the property, that would not be up to us and we would not...

Mr. O'Hara: I did not mean exclusions of the Ordinance, things that you can't do.

Mrs. Baker: Right, but I am saying even in the Ordinance we don't have that leeway to do that. It is when it comes to you and to the Board of Supervisors. That would be your recommendation, but ours is solely based on the merits of what is in that ranking criteria.

Mr. O'Hara: Okay.

Mr. Coen: Okay. Any other suggestions or...

Mr. O'Hara: So nine was already in there and was moved or it is all brand new language.

Mrs. Baker: It is all for the most part language that was...it is just a combination of the two together now. Alan had some new language that is not underlined to show what that was, but I will tell you in a second what that was. Submittal of application...

Mr. Smith: I just added some language trying to clarify exactly what a timely application was, and that was just close of business on whatever the last day of the opened application period.

Mr. O'Hara: So this is like any other deadline. It has to come in on that time it can't be a minute late.

Mr. Smith: Whether it is postmarked or actually here on site.

Mrs. Baker: That is under the very first bullet under application submission.

Mr. O'Hara: Shouldn't we be consistent with the way the county does procurement? Maybe a four o'clock, or whatever clock, deadline and on whoever's desk.

Mr. Smith: You certainly can. There is no requirement that is has to be done the way that other general county procurement is done. If that is the way you want to do it, you certainly can if it is in this office or in the planning office by this time. If it is late, sorry you are going to wait until the next round.

Mr. Coen: Any feel from anybody else?

Mr. O'Hara: Are we just moving over any of this?

Mr. Coen: Just the application under ten, previously nine. It says either deadline or postmarked, Peter is sort of suggesting we add clarification.

Mr. O'Hara: We need to pick one or the other so to speak.

Mr. Coen: Yes. Are we leaning towards doing what we do for everything else? Just to make it consistent.

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Mrs. Baker: I am just saying, they may have different...if we go and look at the procurement requirements, yes they have a deadline of four o'clock, but they may have other things in there and I think we may have to read that first to make sure there is not anything that conflicts. This is pretty straight forward and they do not have to go anywhere else to learn what those deadlines are. If we say the application period is through April 30th, like it was last time, then close of business is 4:30 on April 30th.

Mr. Coen: Okay. Are you okay with close of business on that date?

Mr. O'Hara: In the office on that date as opposed to postmarked on that date. We want it in the office by close of business on that date.

Mr. Coen: Are we okay with in the office?

Mrs. Baker: Strike postmarked.

Mr. O'Hara: Yes, that way you don't have to worry about something getting lost and shows up a week later.

Mr. Coen: Another step to get us closer...

Mr. Smith: That makes it nice and clear.

Mrs. Clark: The Ordinance does not include anything about funding, does it?

Mrs. Baker: No and the reason for that is, we may have a funding...something specified in here but some other opportunity may arise and we don't necessarily want to change the Ordinance to do that because of the time for advertising and having to hold a public hearing.

Mr. Smith: We may want to pursue other governmental programs for additional funding.

Mr. Coen: Okay, any other?

Mr. O'Hara: On outreach, do we have a budget? I don't like the word outreach. It is a little too touchy feely for me. I kind of like marketing. Is there any type of budget that we have to market the program?

Mrs. Baker: No.

Mr. O'Hara: We don't get, like, a cut of the twenty million or whatever?

Mr. Hunt: One percent or half a percent?

Mr. Coen: There is no money, we just sort of tap into the planning department.

Mr. O'Hara: What do we envision this outreach to be? Is it sending out flyers to some of the properties that would be eligible? Is it putting stuff in the newspaper, is it meetings?

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Mrs. Baker: All of the above. I need to resend to you all what we had as part of the state agreement. We had to outline our public education procedures as well as our inspections and monitoring, which is why they are in here to meet the states goals. Let me send those to you so you can see right now what we have as part of our agreement with them on how we are doing that. It includes various recommendations for public relations. We have talked about our web page, our media outlet, our public information officer, having meetings, mailings and all that. It does include all that and I will send that out to you all.

Mrs. Clark: What we did even though there wasn't a budget when we did the pilot program. We did several meetings and there were a couple of articles in the newspaper. I know like Stafford County Farm Bureau did a mailing we paid for...the Farm Bureau paid for but they advertised it, they talked about it at meetings. So there were some other non monetary ways that the word was out there.

Mr. O'Hara: I guess my point is there is a cost for us, staff and the Committee, to go through these so we really want to bring in the best properties with the highest rankings that will benefit the best returns on our investments.

Mrs. Baker: I think until we get a source of revenue and have our program as a bona fide program, and we are going to need a dedicated staff person once we get to that point. Right now we are basically taking money from the County Administrators budget and the Planning and Zoning's budget. Those closing costs have to come from somewhere and we took that out of our budget.

Mr. O'Hara: Should we not write something into the Ordinance that the cost of administration...

Mrs. Baker: That is up to the Board to determine and may change from year to year depending on the budget year.

Mr. O'Hara: I don't know that we need to write in a percentage but we should write in something as a placeholder or something, if we plan on using part of that money out of that pot to pay for the administrative program.

Mr. Smith: I don't know if that is done with any of the other programs in the county or any of the other departments.

Mrs. Baker: No, I would be hesitant to include it in the Ordinance just because that means you would have to meet that. And there might be instances where we don't meet that and we may...someone may...we may have another agency or Land Trust that is going to cover that cost or something, I am just saying that is going to be up to the Board to do that. To me I don't think it is appropriate to have it written in the Ordinance because it is going to be subject to change a lot more often and the Ordinance is going to be going back through public hearing just to change that.

Mr. O'Hara: You are the staff, so you guys know better.

Mrs. Baker: I think it is just more of a policy. We will certainly take that to Mike Neuhard.

Mr. O'Hara: My second comment was that I thought we talked about either, I think that it was at a meeting with Maria and Mike and you, about the potential for third parties to...I don't remember if

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they would hold the easement for the County or if they would administer the easement. Do we need to have that sort of flexibility in the Ordinance?

Mrs. Baker: We have that flexibility in the Ordinance now.

Mr. Coen: Yes.

Mr. O'Hara: And that is?

Mr. Smith: That is under where we were discussing about the administration.

Mr. O'Hara: What is 170(H)(3)?

Mr. Smith: It is the Federal category that governs...

Mr. O'Hara: It's not the non-profit section.

Mr. Smith: It designates the type of organizations that are eligible under the Federal Code to participate in these.

Mr. O'Hara: So the Virginia Outdoor tree hugger association would qualify as a 170(H)(3) if they did exist as such an organization.

Mr. Smith: Probably.

Mrs. Clark: What are some of the organizations now that tend to hold the...

Mrs. Baker: In the County...VOF holds eighty percent in the State of Virginia of easements. The Department of Forestry is starting to purchase more. We have had a couple in the past year in Stafford County. And Northern Virginia Conservation Trust, they are more looking at natural resource protections, habitat, wildlife habitat. Piedmont Environmental Council, they are a little bit more west of here but they would do properties here. You also have either Nature Conservancy or Trust for Public Lands that...not Trust for Public Lands but Nature Conservancy, would look at purchasing as well.

Mrs. Clark: Are you concerned about some of those organizations?

Mr. O'Hara: Oh no, I just wanted to make sure that it was in our interest.

Mrs. Clark: Oh, okay.

Mrs. Baker: There might be one, such as the Friends of the Stafford Civil War Site. If there was a property...

Mr. O'Hara: Or Battlefield Trust.

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Mrs. Baker: Or Battlefield Trust. They might have an interest in a couple of these if it encompasses those types of resources.

Mr. O'Hara: Obviously it makes sense for us where we can to get someone else to take care of it because it gets the cost off of the County.

Mr. Smith: VOF and some of the others have a lot of experience protecting those resources.

Mr. Coen: Yes.

Mr. O'Hara: There is no sense starting all over

Mr. Coen: Okay, anything else. Marty, did we address all of yours?

Mr. McClevey: Actually, I looked down for a minute and I noticed something else. So if I can backtrack on a couple of things. On the...when you were talking about the application submission, Tom.

Mr. Coen: Yes sir.

Mr. McClevey: If you go to the next page, toward the bottom, at C it says that submission of an application shall not be deemed to be a binding contractual offer.

Mr. Coen: Okay, I see it. It is on...right here.

Mr. O'Hara: A-9, (1)(c).

Mr. Coen: Yes.

Mr. McClevey: In reading that, first off I had seen in the section where it had been deleted and so I thought we should retain that and we retained it, so...which is good. But I just thought...I thought that maybe we might need to say "the submission of an application shall not be deemed to constitute a binding contractual offer...but shall be revocable at will by the land owner or the PDR Committee prior to the execution of a conservation easement". In other words a person sends in an application and says I changed my mind and this is saying that there is no penalty. But I am suggesting that a person sends in an application and the PDR or the County says we reject this...

Mr. Hunt: For whatever reason.

Mr. McClevey: Yes, we found cause to reject this and we are revoking this application.

Mrs. Baker: We already have covered under our eligibility criteria that would be the only reason we would revoke an application, under submission was if it did not meet the eligibility requirements.

Mr. McClevey: If it was not the owners, there was a mortgage...I don't know. I was just throwing it out, it may be covered somewhere else.

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Mrs. Baker: All this is really saying is on that application if they have told us...by submitting that application all we are just saying is that it doesn't mean you have to go through with it if we make you an offer and...

Mr. McClevey: I just did not know if we needed another combined section on it as well. If we don't, that is fine. And then at the beginning of the section on...right before the matrix begins. We have to go all the way back to the top of the page under A. Okay, the last sentence says determine the value of development rights or the amount offered to purchase such rights solely as a means for establishing a means. I just said, used solely as a means of prioritizing the properties for further consideration. For establishing a means, I just took that out. So it was just a type of verbiage correction. I just...that's all, I am sorry.

Mr. Coen: No that is good, that is a good eye.

Mr. McClevey: Now we can go back to wherever you guys are.

Mr. Coen: We are done.

Mr. McClevey: Oh, we are done.

Mr. Coen: Yeah, we are done. We have come to the end.

Mr. McClevey: Well, actually on the matrix, the last item on the matrix. The PRD ranking criteria.

Mr. Coen: You mean this one?

Mr. Hunt: I thought we were going to take that out.

Mr. Coen: Yes, we already talked about that.

Mr. McClevey: We are not going to talk about that anymore, never mind.

Mr. Coen: Never mind.

Mr. Hunt: That is what I thought we said.

Mr. Coen: Cool. Okay, we are all set. The next meeting we will come back with a couple of tweaks that we raised.

Mrs. Baker: I think what would be easiest is if we go ahead and make this a clean copy and anything that we come back new with, that is what we will underline.

Mr. Coen: Okay.

Mrs. Baker: And overstrike in the next one.

Mr. Coen: That is a good idea.

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Mrs. Baker: Just to make it easier for you guys to understand what we are doing.

Mr. Coen: Okay.

Mr. Hunt: It wouldn't hurt my feelings if we did not do the matrix tonight.

Mr. Coen: Oh, well, we only have a few minutes. So everyone at the next meeting we will look at the tweaks and we will look at the matrix. We are going to look at the matrix, one, two and three. I have not seen the whole trilogy yet. That was a little movie joke.

Mr. Hunt: I got you.

5. Next Meeting – July 26, 2010 Regular Meeting

Mr. Coen: So the next question is do we want to meet at the end of July? Do we want to take a recess and meet in August?

Mr. McClevey: I am going to be at the scout jamboree the twenty sixth through something. I can't...if you have it I could possibly...that evening I could possibly get here.

Mr. O'Hara: If we get all of this stuff done, we really don't have a purpose to meet any more, so we ought to just...

Mr. Coen: Take July off?

Mr. O'Hara: Spread it out a little bit.

Mr. Coen: So we have a motion to meet in August the next time, the end of August?

Mr. McClevey: Will we have time to plan the celebration?

Mrs. Baker: We don't necessarily need to meet to do it. So we can get input if you feel you want to have any input.

Mr. Coen: I think the only thing would be the guest list.

Mrs. Baker: I think what we might do is go ahead and compile a guest list or intended guest list and we can...we will just send it out to everybody for them to send back any further recommendations on that.

Mr. Coen: Do you think we should ask the different Ag Committee members from way back when or not? That is something you can think about.

Mrs. Baker: I know who they all were. There are not too many.

Mr. Coen: There are not too many left. I just sort of think that when they did a meeting for Crow's Nest they...some people were not told about it. I just think we should invite as many people who

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would feel like they had a part in this. Technically the seven Board members that are on the Ordinance would be appropriate since they voted for it in the first place. Okay, so is there a motion to meet again the end of August?

Mr. Hunt: I move we meet in August.

Mr. Coen: Okay, second?

Mr. O'Hara: Second.

Mr. Coen: Okay, all in favor of meeting next the end of August, which I don't have a calendar so I don't know what the date of that is, but it is probably the twenty-sixth or thereabouts. Monday is okay with everybody?

Mr. O'Hara: Yes, I don't have any classes until...

Mr. Coen: Teacher work week, probably. I don't think we have back to school...

Ms. Hamock: Is the fourth Monday, the twenty-sixth?

Mr. Coen: Yes, the twenty-sixth I think we have the parent conference on the twenty-seventh.

Mrs. Clark: Are you sure, the twenty-fourth?

Mr. Smith: Tuesday is the twenty-fourth.

Mr. Coen: The twenty-fourth

Ms. Hamock: The twenty-fourth, sorry.

Mr. Coen: Tuesday or Monday. You know we do Mondays.

Mr. O'Hara: Let's go back to Mondays.

Mr. Coen: Monday the twenty-third, okay. Because I am pretty sure they will have parent night on the Tuesday. That will make it pretty hard for me to show up.

Mr. O'Hara: I have a swim meet on the twenty-sixth so that...

Mr. Coen: So the twenty-fourth, no the twenty-third on Monday. Any new business? Seeing none...

Mrs. Clark: Let me put on an Ag Committee hat here and as a frustrated tax payer and farmer, I just had to ask what is going on with Public Works? I just...Kathy knows the saga, but we are trying to put a pole barn up. Just a plain old pole barn, no electric, no plumbing, no nothing, just a pole barn for hay in the middle of an A-1 and there is an agricultural exemption for getting a building permit. But nobody in the County knew how to process it. I was so frustrated because, I downloaded it, filled it out and brought it in to three different departments and in each case, they looked at it and said oh, this

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is new I have no idea what to do with it. But we will look at it and sure we will sign it and pass it along. And it happened in...everybody was nice, but nobody knew what to do with it. They said it was one person in Public Works that had an idea of what to do with it and she was going to be out of town for a week. That does not help me. I was just so frustrated. And eight days later, after three messages were left, you know then I finally went in again because I was not getting any response and lo and behold the paperwork was sitting on a secretary's desk for eight days. There were some issues with a couple of little...I don't think it was huge breeches in integrity but just little white lies were caught. I was just very disappointed that nobody understood how to make this work. And two and a half weeks in they told me that I needed Chesapeake Bay review and in fact the actual day that I got the permission a secretary in Public Works told me that I needed a whole set of building plans, and when my face changed from sweet little Gail to raging monster, she went back and looked and said I didn't. But it was just a series of perceived incompetence that just really frustrated me, and I just...how could there be a process that only one person in the county knew how to deal with. That was just very, very frustrating. I can't believe that I am the only person that ever put up a pole barn. So I just felt that there was...there could be some frustration in the agricultural community and I just had to get that off my chest.

Mrs. Baker: And I can certainly pass that along to the Director of that department. I can't speak for him, but I can pass it on.

Mrs. Clark: No, everybody was nice but to have three offices look at it and say this is nice, I have no idea what to do with it, I have never seen this before.

Mrs. Baker: Which offices were you in?

Mrs. Clark: It was Public Works, which is where it started and in Planning and in Revenue.

Mr. Coen: I guess as the Ag Commission, we could say that part of our job is to make things easier to promote agriculture in the county. Then it should be easier for the people who are trying to do agricultural things accomplished. It should not be that difficult to get simple things, it is not as though you were making a subdivision or homes or doing something that was going to impact the number of school districts, the number of school students, water and sewer. It is not as if you were doing something that massive...

Mrs. Clark: It did not need a building permit, this was to get permission for an exemption from a building permit.

Mr. O'Hara: Could we work something out for you.

Mr. Smith: I don't believe so.

Mr. O'Hara: I was thinking about hearings or something like that. Lights and cameras. I guess not.

Mr. Coen: That would be enjoyable.

Mrs. Clark: My husband said I was crazy to continue giving my time to this Committee.

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Mr. Coen: Wasn't there at some point... I remember way back when, the Ag Commission was going to try to look at the procedures and policies to see how we could facilitate stuff. I think that was about a year and a half ago.

Mr. O'Hara: We will have plenty of time with no money for PDR. We could be looking at that.

Mr. Coen: That is right.

Mr. O'Hara: We can sit and talk about everything that has to do with agriculture.

Mr. Coen: I think we were going to look at what Ordinances, or what laws and what processes or what not and how we could help the farmers and agricultural people know how to do it. I think that may have been a year and a half ago. We may want to look at that since we will have time. Okay, any other business?

Mr. O'Hara: Motion to adjourn.

Mr. Coen: Okay, second.

Mr. : Second.

Mr. Coen: All in favor of adjourning say aye.

Mr. Hunt: Aye.

Mrs. Clark: Aye.

Mr. McClevey: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye, alright we are adjourned.

6. Adjournment

With no further business to discuss, the meeting was adjourned at 8:49 p.m.